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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 MEGAN KELLY,
13 Plaintiff,
14 v.
15 APPLERA CORPORATION,
16 Defendant.
17
18

Case No. C-07-3002 MMC

**DEFENDANT APPLERA
CORPORATION'S REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF
OPPOSITION TO PLAINTIFF'S MOTION
TO AMEND COMPLAINT**

Date: April 4, 2008
Time: 9:00 a.m.
Courtroom: 7, 19th Floor
Judge: Hon. Maxine Chesney

19 Pursuant to California Evidence Code section 201, Defendant APPLERA
20 CORPORATION hereby requests that the Court take judicial notice of: (1) The Department of Fair
21 Employment and Housing's "Right to Sue Notice" procedures and guidelines, and (2) The
22 Department of Fair Employment and Housing's Automated "Right to Sue" online request system.

23 Defendant respectfully requests that the Court take judicial notice of these pages
24 pursuant to Federal Rule Evidence Code section 201, which allows the Court to take notice of
25 adjudicative facts which are facts either (1) generally known within the territorial jurisdiction of the
26 trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy
27 cannot reasonably be questioned.

28 Exhibits A and B are print-outs from the Department of Fair Employment and

1 Housing website, and are capable of accurate and ready determination by resort to sources whose
2 accuracy cannot be reasonably questioned. Defendants have fully complied with the requirements of
3 Evidence Code section 201 by attaching hereto true and correct copies of the above-referenced
4 documents to this request and serving a copy of the instant request on Plaintiff.

5
6 Dated: March 14, 2008

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8 TYLER M. PAETKAU
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EXHIBIT A



WELCOME TO THE CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

[Home](#) ➤ [Complaints](#) ➤ [File a Complaint](#)

Right to Sue Notice

The Fair Employment and Housing act (FEHA), at Government Code section 12965, subdivision (b), requires that individuals must exhaust their administrative remedies with the Department of Fair Employment and Housing by filing a complaint and obtaining a "right-to-sue notice" from the Department before filing a lawsuit under the FEHA. DFEH will accept requests for an immediate DFEH "right-to-sue notice" from persons who have decided to proceed in court. Your DFEH complaint must be filed within one year from the last act of discrimination or you may lose your right to file a lawsuit under the FEHA. //

The decision to request such an authorization is a critical one. If you choose to request a "right-to-sue notice" now, the Department will not investigate your complaint. Obtaining a "right-to-sue" and waiving the Department's investigation is only advisable if you have been instructed to do so by an attorney. If you have decided to request a "right-to-sue notice" at this time, you may click on the paper form link below or use our new online "Right-to-Sue" system.

- If you choose the paper form, **the form must be completed and mailed back to the address on the form or the office closest to you.**
- If you use the automated system form the instructions are included and you will receive an Right-to-Sue letter at the end of the session.

If you wish to have the Department investigate your complaint instead of requesting a "right-to-sue notice", contact the Department's Communication Center at 1-800-884-1684 (within California), 1-916-478-7200 (outside California), or TTY 1-800-700-7320 to speak to a representative to make an appointment, or you may use the Department's [Online Appointment System](#).

[Right-to-Sue - Automated](#)

[DFEH-200-01 - Paper Form "Right-to-Sue Notice" Instructions](#)
[DFEH-300-03 - Paper Form "Right-to-Sue Notice" Packet](#)

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EXHIBIT B



Department of
FAIR EMPLOYMENT AND HOUSING

Search Calif

Fri, Mar 14, 2008



Case Management Info Sys



*Ve este sistema Online
Right-To-Sue en
Español*

**WELCOME TO
THE DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING'S (DFEH)
AUTOMATED RIGHT-TO-SUE**

The automated "right-to-sue notice" system is a self-service system which allows individuals who are seeking an immediate "right-to-sue notice" from DFEH to do so online.

Through this system you will be able to complete the "right-to-sue notice" packet (DFEH-300-03) online, print a copy of your registered complaint, and print a copy of your "right-to-sue notice."

The decision to request such an authorization is a critical one. If you choose to request a "right-to-sue notice" now, the Department will not investigate your complaint. Obtaining a right-to-sue notice and waiving the Department's investigation is only advisable if you have been instructed to do so by an attorney.

If you have decided to request a "right-to-sue notice" at this time, click on "New RTS" below and follow the instructions.

NOTE: In order to use this automated process you must have both javascript and cookies enabled. You must have access to a printer in order to complete this process. Nothing will be mailed to you from DFEH.

RESUMING A SESSION

If you can not complete this session at one time, please make note of your confirmation number which is issued to you once you fill out the "Requestor" page. You may use this number to resume your session. Incomplete forms will be deleted after thirty (30) days.

MODIFYING A COMPLAINT WHICH HAS BEEN SUBMITTED

Once you have completed the entire process and a case number has been issued, ***any amendments or modifications to your complaint(s) must be made directly through DFEH.*** Click on "Resume A Session," and enter your confirmation number to obtain the contact information for the office in which your complaint was filed.



New RTS



Resume A Session